

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 20**

GOOGLE, LLC and ALPHABET INC., a single employer

and

(b) (6), (b) (7)(C), an Individual

Cases 20-CA-252802

and

(b) (6), (b) (7)(C), an Individual

20-CA-252902

and

COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO

**20-CA-252957
20-CA-253105
20-CA-253464**

and

(b) (6), (b) (7)(C), Intervenor

(20-CA-253105;
20-CA-253464)

and

(b) (6), (b) (7)(C), Intervenor

(20-CA-252957)

and

(b) (6), (b) (7)(C) Intervenor

(20-CA-252957)

And

(b) (6), (b) (7)(C), Intervenor

(20-CA-252957)

THIRD-AMENDED COMPLAINT AND NOTICE OF HEARING

(b) (6), (b) (7)(C) and the Communications Workers of America, AFL-CIO (Union), (collectively, Charging Parties) have charged that Google, LLC

(Google) and Alphabet Inc. (Alphabet), a single employer (Respondent), has been engaging in unfair labor practices affecting commerce as set forth in the National Labor Relations Act, 29 U.S.C., Sec. 151, et seq., (the Act), and a Complaint and Notice of Hearing issued based on those charges on December 2, 2020, and a Second-Amended Complaint issued on June 9, 2021. The Acting General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.17 of the Board's Rules and Regulations, now issues this Third-Amended Complaint and Notice of Hearing and alleges as follows:

1. (a) The charge in Case 20-CA-252802 was filed by (b) (6), (b) (7)(C) against Google, LLC on December 3, 2019, and a copy was served on Google by U.S. mail on December 4, 2019.

(b) A first-amended charge in Case 20-CA-252802 was filed by (b) (6), (b) (7)(C) against Google, LLC on December 1, 2020, and a copy was served on Google by U.S. mail on December 2, 2020.

(c) The charge in Case 20-CA-252902 was filed by (b) (6), (b) (7)(C) against Google, LLC on December 5, 2019, and a copy was served on Google by U.S. mail on December 6, 2019.

(d) A first-amended charge in Case 20-CA-252902 was filed by (b) (6), (b) (7)(C) against Google, LLC on December 1, 2020, and a copy was served on Google by U.S. mail on December 2, 2020.

(e) The charge in Case 20-CA-252957 was filed by the Union on December 5, 2019, and a copy was served on Respondent by U.S. mail on December 6, 2019.

(f) A first-amended charge was filed in Case 20-CA-252957 by the Union on March 9, 2020, and a copy was served on Respondent by U.S. mail on March 10, 2020.

(g) The charge in Case 20-CA-253105 was filed by the Union on December 9, 2019, and a copy was served on Respondent by U.S. mail on December 10, 2019.

(h) The charge in Case 20-CA-253464 was filed by the Union on December 16, 2019, and a copy was served on Respondent by U.S. mail on December 17, 2019.

2. (a) At all material times, Google, a California limited liability company with offices and places of business in Mountain View, California, New York, New York, and elsewhere, is a technology company specializing in a search-engine and other internet-related services and products.

(b) During the twelve-month period ending October 31, 2020, Google, in conducting its business operations described above in subparagraph 2(a), derived gross revenues in excess of \$500,000.

(c) During the period of time described above in subparagraph 2(b), Google, in conducting its business operations described above in subparagraph 2(a), purchased and received at its Mountain View, California, office and place of business, goods valued in excess of \$5,000 directly from points outside the State of California.

3. (a) At all material times, Alphabet, a California corporation with its headquarter office and place of business located in Mountain View, California, is a technology conglomerate and parent holding company of Google, Waymo, and other subsidiaries.

(b) During the twelve-month period ending October 31, 2020, Alphabet, in conducting its business operations described above in subparagraph 3(a), derived gross revenues in excess of \$500,000.

(c) During the period of time described above in subparagraph 3(b), Alphabet, in conducting its business operations described above in subparagraph 3(a), purchased and received at its Mountain View, California, office and place of business, goods valued in excess of \$5,000 directly from points outside the State of California

4. (a) At all material times, Google and Alphabet have been affiliated business enterprises with common officers, ownership, directors, management, and supervision; have formulated and administered a common labor policy; have shared common premises and facilities; have provided services for and made sales to each other; have interchanged personnel with each other; have interrelated operations with common insurance and purchasing and sales; and have held themselves out to the public as a single-integrated business enterprise.

(b) Based on its operations described above in subparagraph 4(a), Google and Alphabet constitute a single-integrated business enterprise and a single employer within the meaning of the Act.

5. At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

6. (a) For the time periods specified herein, the following individuals held the positions set forth opposite their respective names and have been supervisors of the Respondent within the meaning of Section 2(11) of the Act:

¶	Individual	Position	Time Period
i.	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2019
ii.	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	From (b) (6), (b) (7)(C) 2019 to (b) (6), (b) (7)(C), 2019.
iii.	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	From (b) (6), (b) (7)(C) 2019 to (b) (6), (b) (7)(C), 2019.
iv.	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	From (b) (6), (b) (7)(C) 2019 to (b) (6), (b) (7)(C), 2019.

v.	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	From at least (b) (6), (b) (7)(C) 2019 to (b) (6), (b) (7)(C), 2019.
vi.	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	From at least (b) (6), (b) (7)(C) 2019 to (b) (6), (b) (7)(C) 2019.
vii.	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	From at least (b) (6), (b) (7)(C) 2019 to (b) (6), (b) (7)(C), 2019.

(b) For the time periods specified herein, the following individuals held the positions set forth opposite their respective names and have been agents of the Respondent within the meaning of Section 2(13) of the Act:

¶	Individual	Position	Time Period
i.	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	From (b) (6), (b) (7)(C) 2019 to (b) (6), (b) (7)(C) 2019.
ii.	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	From (b) (6), (b) (7)(C) 2019 to (b) (6), (b) (7)(C), 2019.
iii.	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	From (b) (6), (b) (7)(C) 2019 to (b) (6), (b) (7)(C), 2019.
iv.	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2019
v.	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	From (b) (6), (b) (7)(C) 2019 to (b) (6), (b) (7)(C), 2019.
vi.	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2019
vii.	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2019

viii.	Mikayla Cameron	People Partner	November 2019
ix.	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	From (b) (6), (b) (7)(C) 2019 to (b) (6), (b) (7)(C) 2019.
x.	Unnamed Agent #1		From (b) (6), (b) (7)(C) 2019 to (b) (6), (b) (7)(C), 2019.
xi.	Unnamed Agent #2		From at least (b) (6), (b) (7)(C) 2019 through at least (b) (6), (b) (7)(C), 2019.
xii.	Unnamed Agent #3		From (b) (6), (b) (7)(C) 2019 to (b) (6), (b) (7)(C), 2019.
xiii.	Unnamed Agent #4		(b) (6), (b) (7)(C) 2019
xiv.	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	From (b) (6), (b) (7)(C) 2019 to (b) (6), (b) (7)(C) 2019.
xv.	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	From at least (b) (6), (b) (7)(C) 2019 to at least (b) (6), (b) (7)(C), 2019.
xvi.	Sundar Pichai	Chief Executive Officer	From at least January 1, 2017 to at least December 31, 2019.
xvii.	Sergey Brin	President	From at least January 1, 2017 to at least December 31, 2019.
xviii.	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	From at least (b) (6), (b) (7)(C) 2019, to at least (b) (6), (b) (7)(C), 2019.

7. About November 8, 2019, Respondent, by (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), interrogated its employees about their protected concerted activities by asking them about accessing MemeGen Takedown Documents. (Case 20-CA-252957)

8. (a) On November 27, 2019, Respondent, by (b) (6), (b) (7)(C), interrogated its employees about their protected concerted activities by asking them about their creation of a Google Form that expressed concerns about Respondent's enforcement of its Need-to-Know Policy to Unnamed Agent # 2. (Case 20-CA-25802).

(b) On December 9, 2019, Respondent, by (b) (6), (b) (7)(C), interrogated its employees about their protected concerted activities by asking them about their creation of the Google Form described in subparagraph 8(a), about their suspected creation of a Moma badge related to the emails sent by the Google Form described in subparagraph 8(a), and about their involvement in organizing groups with other employees. (Case 20-CA-25802).

9. On December 5 and 6, 2019, Respondent, by Unnamed Agent #3, interrogated its employees about their protected concerted activities by asking them about their creation of a chrome extension that sent emails expressing concerns about Respondent's enforcement of its Need-to-Know Policy to Unnamed Agent # 2. (Cases 20-CA-253105, 20-CA-253464).

10. On December 9, 2019, Respondent, by (b) (6), (b) (7)(C), interrogated its employees about their protected concerted activities by asking them about their creation of a chrome extension that sent emails expressing concerns about Respondent's enforcement of its Need-to-Know Policy to Unnamed Agent # 2. (Case 20-CA-252902).

11. About December 18, 2019, Respondent, by Unnamed Agent #1, in a meeting which included (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C), threatened employees with unspecified reprisals by requiring

employees to raise workplace concerns through official channels including Code of Conduct alias or go/my-concerns. (Case 20-CA-252802).

12. (a) At all material times, Respondent has maintained Data Classification Policies pertaining to accessing Need-to-Know documents.

(b) Since about November 2019, Respondent, by (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) enforced the rule described above in subparagraph 12(a) selectively and disparately by applying it only against employees who engaged in protected, concerted activities. (Case 20-CA-252957).

13. (a) About November 2019, Respondent, by email, promulgated and has since then maintained a Calendar Access rule prohibiting employees from accessing other employees' calendars without a business purpose.

(b) Respondent promulgated and maintained the rule described above in subparagraph 13(a) to discourage its employees from forming, joining, assisting a union or engaging in other protected, concerted activities. (Case 20-CA-252957)

14. (a) About October 2019, Respondent promulgated and has since then maintained a Calendar Event rule prohibiting employees from creating calendar events with more than 100 invitees or using more than 10 rooms without a business purpose.

(b) Respondent promulgated and maintained the rule described above in subparagraph 14(a) to discourage its employees from forming, joining, assisting a union or engaging in other protected, concerted activities. (Case 20-CA-252957)

15. (a) Around July 2019, employees (b) (6), (b) (7)(C) engaged in concerted activities with other employees for the purposes of mutual aid and protection by discussing concerns about a public document showing that U.S. Customs and Border Protection

requested information from Respondent about its cloud computing services, including whether employees' work might be used for the potential project.

(b) Around July 2019, employee (b) (6), (b) (7)(C) engaged in concerted activities with other employees for the purposes of mutual aid and protection by accessing employee accessible documents related to the Respondent's relationship with U.S. Customs and Border Protection.

(c) On August 14, 2019, employees (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) engaged in concerted activities with other employees for the purposes of mutual aid and protection by disseminating a petition protesting Respondent's relationship with U.S. Customs and Border Protection.

(d) Between August 14, 2019, and August 19, 2019, employees (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) engaged in concerted activities with other employees for the purposes of mutual aid and protection by accessing employee accessible documents related to Respondent's relationship with U.S. Customs and Border Protection.

(e) On August 19, 2019, (b) (6), (b) (7)(C) engaged in concerted activities with other employees for the purposes of mutual aid and protection by publishing an internal document linking to some of the documents described in subparagraph 15(d).

(f) Around September 2019, employees (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) engaged in concerted activities with other employees for the purposes of mutual aid and protection by discussing concerns about Respondent's relationship with the software company Palantir.

(g) Around September 2019, employees (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C) engaged in concerted activities with other employees for the purposes of mutual

aid and protection by accessing employee accessible documents related to the Respondent's relationship with Palantir.

(h) On September 24, 2019, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) engaged in concerted activities with other employees for the purposes of mutual aid and protection by publishing an internal document linking to some of the documents described in subparagraph 15(g).

(i) On (b) (6), (b) (7)(C), 2019, Respondent terminated the employment of (b) (6), (b) (7)(C)

(j) Respondent engaged in the conduct described above in subparagraph 15(i) because (b) (6), (b) (7)(C) engaged in the conduct described above in subparagraphs 15(a)-15(h), and to discourage employees from engaging in these or other concerted activities.

16. (a) About October 2019, employee (b) (6), (b) (7)(C) engaged in concerted activities with other employees for the purposes of mutual aid and protection by posting workplace concerns on MemeGen.

(b) About early November 2019, (b) (6), (b) (7)(C) accessed employee accessible documents regarding the MemeGen Takedown Process.

(c) About (b) (6), (b) (7)(C) 2019, Respondent placed (b) (6), (b) (7)(C) on administrative leave for accessing documents regarding the MemeGen Takedown Process.

(d) About (b) (6), (b) (7)(C), 2019, Respondent terminated the employment of (b) (6), (b) (7)(C)

(e) Respondent engaged in the conduct described above in subparagraphs 16(c) and (d) because (b) (6), (b) (7)(C) engaged in the conduct described above in subparagraphs 16(a) and (b) and

to discourage employees from engaging in these or other concerted activities. (Case 20-CA-252957)

17. (a) On November 18, 2019, Respondent's employee (b) (6), (b) (7)(C) concertedly complained to Respondent regarding the wages, hours, and working conditions of Respondent's employees, by emailing employees' concerns about Respondent's enforcement of its Need-to-Know policy and creating a Google Form for other employees to express the same concerns to Unnamed Agent #2.

(b) On November 18, 2019, Respondent's employees (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) engaged in concerted activities with each other for the purposes of mutual aid and protection, by creating and sharing a Google Document titled, "'Need to Know' Self-Reporter DD," which expressed concerns about Respondent's enforcement of its Need-to-Know policy.

(c) On November 21, 2019, Respondent's employees (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) concertedly complained to Respondent regarding the wages, hours, and working conditions of Respondent's employees, by creating a chrome extension that sent emails expressing concerns about Respondent's enforcement of its Need-to-Know Policy to Unnamed Agent # 2.

(d) Around November 20, 2019, Respondent's employee (b) (6), (b) (7)(C) engaged in concerted activities with other employees for the purposes of mutual aid and protection by organizing a November 22, 2019, protest at the Employer's San Francisco facility to express concern about the Employer's placement of other employees on administrative leave.

(e) About November 23, 2019, employee (b) (6), (b) (7)(C) began writing code for a pop-up featuring an NLRB Notice from Case 32-CA-176462 that would automatically appear when an employee visited Respondent's Community Guidelines and other web pages.

(f) About November 24, 2019, Respondent's employee (b) (6), (b) (7)(C) performed a code review for the code referenced above in subparagraph 17(e).

(g) About November 25, 2019, Respondent's employee (b) (6), (b) (7)(C) performed a readability review for the code referenced above in subparagraph 17(e).

(h) About (b) (6), (b) (7)(C), 2019, Respondent placed (b) (6), (b) (7)(C) on Administrative Leave. (Cases 20-CA-253105 and 20-CA-253464)

(i) About November 26, 2019, Respondent turned off employee (b) (6), (b) (7)(C) cell phone service. (Case 20-CA-252902)

(j) About (b) (6), (b) (7)(C), 2019, Respondent placed employees (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) on administrative leave. (Cases 20-CA-252802 and 20-CA-252902)

(k) About (b) (6), (b) (7)(C), 2019, Respondent issued employee (b) (6), (b) (7)(C) a final written warning. (Case 20-CA-252902)

(l) About (b) (6), (b) (7)(C), 2019, Respondent counseled (b) (6), (b) (7)(C) and placed him on a 6-month monitoring of (b) (6), (b) (7)(C) readability and LGTM reviews. (Case 20-CA-252802)

(m) About (b) (6), (b) (7)(C) 2019, Respondent terminated the employment of (b) (6), (b) (7)(C) (Case 20-CA-253464)

(n) Respondent engaged in the conduct described above in subparagraphs 17(i) through 17(l) because (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) engaged in the conduct described above in subparagraphs 17 (a)-(d), (f) and (g) and to discourage employees from engaging in these or other concerted activities. (Cases 20-CA-252802 and 20-CA-252902).

(o) Respondent engaged in the conduct described above in subparagraphs 17(h) and (m) because (b) (6), (b) (7)(C) engaged in the conduct described above in subparagraphs 17(b), (c), and

(e) and to discourage employees from engaging in these or other concerted activities. (Case 20-CA-253464).

18. By the conduct described above in paragraphs 7 through 17, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

19. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the Third-Amended Complaint. The answer must be **received by this office on or before August 2, 2021**. Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not

represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission.

If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Third-Amended Complaint are true.

/

/

/

/

/

HEARING

As previously ordered, on **August 23, 2021, at 9:00 a.m.**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board at 901 Market Street, Suite 400, San Francisco, California, or method or means, including videoconference, directed by the Administrative Law Judge. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Third-Amended Complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request

Third-Amended Complaint and Notice of Hearing
Cases 20-CA-252802, et al

a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: July 19, 2021



JILL H. COFFMAN
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 20
901 Market Street, Suite 400
San Francisco, CA 94103-1738

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Cases 20-CA-252802, 20-CA-252902, 20-CA-252957, 20-CA-253105, and 20-CA-253464

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements **will not be granted** unless good and sufficient grounds are shown **and** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in **detail**;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

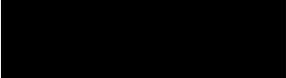
Michael Pyfl
Google Inc.
201 Spear Street
San Francisco, CA 94105

Al Latham Jr., Attorney
Paul Hastings LLP
515 South Flower Street 25th Floor
Los Angeles, CA 90071

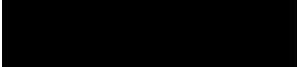
Sara Kalis, Attorney
Paul Hastings LLP
200 Park Avenue
New York, NY 10166

Eric Distelburger, Attorney
Paul Hastings LLP
101 California Street, Floor 48
San Francisco, CA 94111

Al Latham Jr., Attorney
Paul Hastings LLP
515 South Flower Street 25th Floor
Los Angeles, CA 90071

(b) (6), (b) (7)(C)


(b) (6), (b) (7)(C)

A solid black rectangular redaction box covering the text below the redaction code.

Laurie M. Burgess, Counsel
Burgess Law Offices, PC
498 Utah Street
San Francisco, CA 94110

Patricia M. Shea
Communications Workers of America
(CWA), AFL-CIO
501 Third St NW, Ste 800
Washington, DC 20001-2797

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility

of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.